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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,989	09/26/2005	Daniel Zauner	3926.135	6988
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EXAMINER				
JENNISON, BRIAN W				
ART UNIT		PAPER NUMBER		
3742				
MAIL DATE		DELIVERY MODE		
08/03/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/526,989

## Applicant(s)

ZAUNER ET AL.

## Examiner

BRIAN JENNISON

## Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-2, 5-7 and 10 is/are allowed.
- 6) ☒ Claim(s) 3, 4 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notes of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3-4 and 11 are rejected under 35 U.S.C. 102(b) as being anticipate by FUJIMOTO et al (JP 2002-178178 A cited by applicant) as evidence by Dunskey et al (US 2001/0045419).

Fujimoto discloses regarding claim 3-6 and 11: Fujimoto et al teaches a laser lap welding method in which a protrusion 2a is formed, by melting, on the surface of sheet 2 facing away from laser 1. (See Drawing 1 and Paragraphs [0018]—[0020]) only one sheet is claimed in claim 1. The coated sheet 2 has first and second surfaces, as do all sheets, near a laser 1 where one surface faces the laser and the other faces away.

**See drawing 1.** The topographical change in drawing 1 on the first sheet is formed due to melting from the laser. The penetration depth is 95% and since the protrusion 2a is due to melting the laser will melt through to the surface facing away from the laser. **See Paragraph [0022].** The protrusion on the side facing away from the laser is welded to a second sheet so that the zinc vapor can escape through the gap formed by the protrusion. This is clearly stated in Fujimoto as the reason for the protrusion and preventing explosive vaporization is an intrinsic characteristic of letting any vapor escape through a gap and it is stated that the height of the protrusion may be

increased. (See Drawing 2 and Paragraphs [0021]-[0024]) The sheets 2 and 3 are fused together by welding which is performed by a second laser so the weld line is the same line as protrusion 2a. (See Paragraph [0026]). The laser describes about the center of its machining area in a narrowing spiral. (This is merely an inherent characteristic shown by Dunskey et al (US 2001/0045419) See Figs. 21, 22, 32. which all show a narrowing spiral weld pattern.) The narrowing spiral limitation is merely a design choice and it is well known in the art that the laser can be moved in a narrowing spiral during machining or welding as discussed in the interview. Fujimoto et al teaches a protrusion on the side facing the laser and the side facing away from the laser as shown in drawing 3.

The term ***inward*** narrowing spiral is not used in claims 3 or 11 making the claim broader than as in claim 1 and not distinguishing over the prior art of record.

***Allowable Subject Matter***

3. Claims 1-2, 5-7 and 10 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: allowance of claims is indicated because none of the prior art of record shows or fairly suggested the claimed invention as a whole having guiding the laser beam to describe an inward narrowing spiral, whereby the laser beam generates the at least one topographical change protruding from: the surface of the sheet which faces away from said beam.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN JENNISON whose telephone number is (571)270-5930. The examiner can normally be reached on M-Th 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TU HOANG can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN JENNISON/  
Examiner, Art Unit 3742

7/29/2010

/TU B HOANG/

Supervisory Patent Examiner, Art Unit 3742